

1 **Exhibit B**
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Biographical Information for Proposed Mediators

1 Pursuant to the procedures set forth in the *Order Approving ADR and Related Procedures*
2 *for Resolving General Claims* [Dkt. No. 9148] entered on September 25, 2020, the Reorganized
3 Debtors enclose below biographical information for the following mediators:

- 4 • Hon. David W. Abbott (Ret.)
- 5 • Hon. Wynne S. Carvill (Ret.)
- 6 • Michael D. Cooper, Esq.
- 7 • Timothy J. Corcoran, Esq.
- 8 • E. Alexandra DeLateur, Esq.
- 9 • Hon. Catherine A. Gallagher (Ret.)
- 10 • Patricia K. Gillette, Esq.
- 11 • Hon. Ken M. Kawaichi (Ret.)
- 12 • Sanford Kingsley, Esq.
- 13 • Debra L. Mellinkoff, Esq.
- 14 • Hon. Randall J. Newsome (Ret.)
- 15 • Hon. Risë Jones Pichon (Ret.)

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Hon. David W. Abbott, Ret.



Results Beyond DisputeSM

After serving on the Sacramento Superior Court bench for 18 years, Judge Abbott is now retired and is available to serve as a Mediator, Arbitrator and Private Judge. During his tenure on the bench, he presided over civil and criminal jury trials, civil case management calendars, complex civil cases and law and motion. Judge Abbott has earned a reputation as a fair, intelligent and flexible judge and was awarded Judge of the Year by several organizations. Before his judicial career, he was a trial attorney for over 25 years in a tort litigation practice emphasizing products liability, professional negligence, general personal injury and insurance bad faith. He is an active member of the Sacramento County Bar Association and American Board of Trial Advocates. Judge Abbott stated, "My goal as a professional neutral is to assist the parties to achieve settlement and resolve disputes with dignity, creativity and respect. Judges don't settle cases, lawyers and litigants do."

ADR EXPERIENCE & SPECIALTIES

HOBBIES & INTERESTS

LEGAL CAREER & PRIOR EXPERIENCE

EDUCATION & PROFESSIONAL AFFILIATIONS

ACHIEVEMENTS & AWARDS

LOCATIONS

Products Liability, Professional Negligence, Wrongful Death, Insurance Bad Faith, All Types of Personal Injury, Complex Litigation and Coordinated Actions

Judge Abbott has been a Rotarian for 30 years and is an advocate for literacy in public schools and serves on the advisory board of the Sacramento Chapter of Reading Partners a nonprofit that tutors children in reading and spelling. He also enjoys playing golf, bicycle riding, reading, traveling and crossword puzzles.

- Full Time Neutral, Judicate West (Present)
- Judge, Sacramento Superior Court (2002-2020), Assistant Presiding Judge 2008-2009 and 2018-2019, and four years as Supervising Judge at the Carol Miller Justice Center
- Judge, Sacramento Veterans' Treatment Court (2014-2019)
- Trial Attorney, Abbott & Nolen (1996-2001)
- Trial Attorney, Law Office of David W. Abbott (1990-1996)
- Trial Attorney, Gessford & Abbott (1983-1990)
- Trial Attorney, Gessford, Sevey & Alpar (1981-1983)
- Trial Attorney, Freidberg Law Corporation (1978-1981)

- J.D. University of the Pacific, McGeorge School of Law (1973)
- B.A. University of California, Berkeley (1970)
- Member, Sacramento County Bar Association (1978-Present)
- Member, Capitol City Trial Lawyers Association (1978-2002)
- Member, American Board of Trial Advocates, ABOTA, Sacramento chapter (1993-Present)
- Member, California Judges Association (2002-2020)
- Member, Wiley Manuel Bar Association (1996-2005)

- Distinguished Judicial Service Award, CCTLA 2019
- Judge of the Year award, Sacramento Bar Association 2017
- Judge of the Year award, ABOTA, Sacramento chapter 2011
- Judge of the Year award, CCTLA, 2008

Northern California

WWW.JUDICATEWEST.COM | 800-488-8805



Hon. Wynne S. Carvill (Ret.)

Case Manager

Melissa Ornstil

T: 415-774-2600

F: 415-982-5287

Two Embarcadero Center, Suite 1500, San Francisco, CA

94111

melissaornstil@jamsadr.com

Biography

Available to conduct virtual/remote mediations, arbitrations and other ADR proceedings on a variety of online platforms, including Zoom.

Hon. Wynne Carvill (Ret.) joins JAMS with a rich legal background and experience in a wide range of practice areas, including employment, class action, business/commercial, personal injury/torts, intellectual property, insurance, antitrust, professional liability and construction.

On the bench, Judge Carvill handled a variety of cases, including civil, criminal and family law. Before his appointment to the bench in 2003, Judge Carvill was a civil litigator for more than 25 years and served as his firm's general counsel for 12 years.

Judge Carvill moves complex disagreements toward resolution in an efficient manner. Described as humble and analytical, he is praised by attorneys for his professionalism and the high value he places on integrity and candor. Immersing himself in each matter that comes before him, Judge Carvill enjoys engaging attorneys in discourse to understand fully the issues and arguments at hand and values providing transparency in detailed decisions.

ADR Experience and Qualifications

- Settled numerous matters in his 16 years as a superior court judge in Alameda (Calif.) County, including two years as a full-time settlement judge handling an average of 10 settlement conferences per week
- Presided over complex litigation, civil direct, family law, civil bench trials and criminal calendars
- Served four years in one of Alameda County's two complex litigation departments managing class actions, Private Attorneys General Act (PAGA), antitrust, construction, environmental cases and major commercial

disputes

Representative Matters

Employment

- Trial judge in numerous cases challenging meal and rest break policies and practices, e.g., *Araquistain v. Pacific Gas & Electric* (affirmed, 229 Cal.App.4th 227 (2014)), *Bartoni v. American Medical Response West* (affirmed and reversed in part, 11 Cal.App.5th 1084 (2017)), *Sutter Health Wage and Hour Cases* (affirmed, 1st DCA #A137875), and *Marine v. Interstate Distribution Co.* (Alameda Sup. Ct. #RG07-358277)
- Trial judge in misclassification cases such as *Duran v. U.S. National Bank* (affirmed, 19 Cal.App.5th 630 (2018)) and *Lopez v. Pacific Bell Telephone* (affirmed, 1st DCA #A135589)
- Trial judge in *Jong v. Kaiser Foundation Health Plan*, where class of store managers sought overtime for off-the-clock work (affirmed, 226 Cal.App.4th 391 (2014))
- Trial judge in *Unity Courier Service Wage and Hour Cases* (JCCP 4691), in which an employee class recovered unpaid wages in a bench trial
- Trial judge in *Klaas v. ValleyCare Health Systems* (Alameda Sup. Ct. #RG14-718404) and *Vanderheiden v. City of Alameda* (Alameda Sup. Ct. #RG06-0283619), where juries returned plaintiff verdicts based on wrongful termination and retaliation
- Trial judge in *Duprue v. Albertsons* (Alameda Sup. Ct. #RG14-718404), in which the plaintiff alleged violation of California's Family Rights Act
- Trial judge in numerous appeals for trial de novo after a Berman hearing (Labor Code § 98.2 et seq.) before the labor commissioner, e.g., *Lan v. Comcast Corporation, LLC* (affirmed, 1st DCA #140039); *O'Dell v. International Asset Systems* (Alameda Sup. Ct. #RG06-254576)
- Lead counsel representing both employers and employees in various trade secret cases, including matters involving software and computer technology

Business/Commercial

- Trial judge in *Lewis v. Safeway, Inc.*, involving Song-Beverly Consumer Warranty Act class action challenge to store practice of requesting date of birth in cash register system (affirmed, 235 Cal.App.4th 385 (2015))
- Trial judge in *Ramos v. Westlake Services*, where motion to compel arbitration denied because arbitration clause was in English and plaintiff was a Spanish speaker (affirmed, 242 Cal.App.4th 674 (2015))
- Trial judge in *Professional Engineers v. Transportation Dept.*, in which a challenge to public-private partnerships on state highway construction project was rejected (affirmed, 198 Cal.App.4th 17 (2011))
- Trial judge in *Alarcon v. Fireside Bank*, in which plaintiff alleged violations of Rees-Levering Motor Vehicle Sales and Finance Act in vehicle purchase (affirmed and reversed in part (1st DCA #A117148))
- Trial judge in *Flanagan v. Donohue*, involving a commercial lease dispute (denial of attorneys' fees affirmed (1st DCA #A136055))
- Trial judge in *Ideal Boat & Camper Storage v. County of Alameda*, in which plaintiff challenged county's denial of application for site development (affirmed (1st DCA #A132714))
- Trial judge in *Barrera v. Wells Fargo Bank*, in which a non-judicial foreclosure sale was challenged (affirmed, 1st DCA #A129915)
- Trial judge in *Emeryville Redevelopment Agency v. Robinson* (Alameda Sup. Ct. #RG06-267594), in which some soil remediation costs were recovered in a non-jury trial
- Trial judge in *Capital Alliance v. Gateway Bank* (Alameda Sup. Ct. #RG09-491875), in which parties disputed remittances on the sale of a mortgage loan portfolio
- Trial judge in *Bui v. Potashnick* (Alameda Sup. Ct. #RG07-349762), in which a buyer of pharmacies sued the seller for providing false financial statements
- Trial judge in *Elstead v. JPMorgan Chase Bank* (Alameda Sup. Ct. #2002-046193), in which a borrower sued a mortgage bank for the mishandling of a loan and attempted foreclosure
- Trial judge in *Zuffa v. Zuffa* (Alameda Sup. Ct. #VG09-429982), in which an owner sought to quiet title against a mortgage lender

- Trial judge in *Thornton v. Cheney Transportation* (Alameda Sup. Ct. #VG09-447464), in which an owner sought business interruption damages arising from property damage
- Trial judge in *Shinneman v. Vittaly* (Alameda Sup. Ct. #C-841222), in which shareholders sued one another in the context of a corporate dissolution
- Trial judge in *Byrd v. Worthington* (Alameda Sup. Ct. #2002-071249), in which after an asset sale dispute arose as to the seller's liability for post-sale tort damages from pre-sale circumstances
- Extensive experience in various kinds of unfair competition complaints under California Business & Professions Code § 17200
- Representation of both vendors and users in litigation arising from large software/system integration projects
- Trial counsel in a major software development dispute
- Lead counsel in a tax refund case for an Alaska native corporation
- Trial counsel in a case in which a bank was charged with fraud in the sale of bank branches, with issues relating to accounting of income and expenses in credit card business
- Lead counsel in a franchise dispute (*Boat & Motor Mart v. Sea Ray Boats*, 825 F.2d 1285 (9th Cir. 1987))

Personal Injury/Torts

- Trial judge in several asbestos cases, e.g., *Adams v. Asbestos Corp.* (Alameda Sup. Ct. #RG14-718404); *Swasey v. Asbestos Companies* (Alameda Sup. Ct. #RG15-758585)
- Trial judge in *Jones v. Eden Housing Management, Inc.* (Alameda Sup. Ct. #VG04-153398), in which the plaintiff sued for negligent undertaking
- Trial judge in various tort cases, e.g., *Luttrell v. Island Pacific Supermarkets, Inc.* (1st DCA #134089)(slip & fall); *Weldon v. Safeway, Inc.* (1st DCA #131447) (injury in store door); *Bhatia Costco Wholesale Corp.* (Alameda Sup. Ct. #RG09-469860) (fatal automobile crash); *Santangelo v. Galicia* (Alameda Sup. Ct. #HG08-381973) (automobile crash); *Owens v. Sorensen* (Alameda Sup. Ct. #RG06-282560) (automobile crash)
- Settlement judge in numerous cases arising out of automobile accidents, termination/discrimination scenarios, medical procedures, tenant evictions, etc.

Intellectual Property

- Trial judge in *Mindshare Benefits v. Kleinschmidt* (Alameda Sup. Ct. #RG05-203514), in which employer sued competitor and former employee for trade secrets theft
- Lead trial counsel for a matter involving an employee allegedly taking trade secrets from one employer to another (*Vermont Microsystems v. Autodesk*, 88 F.3d 142 (2d Cir. 1996))
- Lead counsel in trademark infringement cases for major credit card company, e.g., *VISA International Serv. Ass'n v. Bankcard Holders of America*, 784 F.2d 1472 (9th Cir. 1986)

Insurance

- Trial judge in *Gallimore v. Kaiser Foundation Health Plan* (Alameda Sup. Ct. #RG12-616206), in which the plaintiff challenged a carrier's denial of coverage for certain allegedly "cosmetic" surgical procedures
- Trial judge in *Futterman v. Kaiser Foundation Health Plan* (Alameda Sup. Ct. #RG13-697775), in which the plaintiff challenged a carrier's denial of coverage for certain mental health services
- As settlement judge, resolved numerous cases in which underlying disputes involved insurance coverage and/or bad faith claims
- Counsel in administrative and judicial proceedings challenging California insurance commissioner's efforts pursuant to Proposition 103 to force a leading insurer to rebate premiums (*20th Century v. Garamendi*, 8 Cal.4th 216 (1994))
- Lead counsel in insurance coverage litigation for a carrier on environmental impairment liability policy (*International Ins. Co. v. Duryee* 96 F.3d 837 (6th Cir. 1996))
- Acted as outside general counsel to California Self-Insurers' Security Fund for 12 years, handling a number of in-house issues and claims against third-party administrators

Antitrust/Competition

- Trial judge in a series of cases alleging violations of the California Unfair Practices Act and Cartwright Act in grocery store providing discount coupons for gas purchasers, e.g., *Dixon Gas Club, LLC v. Safeway, Inc.* (affirmed, 1st DCA #A139283); *Andy's BP, Inc. v. Safeway, Inc.* (affirmed, 1st DCA #A147527)
- Trial judge in *People v. Overstock, Inc.*, where civil penalties imposed and injunctive relief was granted in false advertising and unfair competition case against an internet retailer (affirmed, 12 Cal.App.5th 1064 (2017))
- Lead counsel in jury trial of an antitrust case in which bank charged with conspiracy to monopolize and monopolization in violation of Sherman Antitrust Act §§1 and 2
- Lead counsel in jury trial of antitrust challenge to vertical acquisition of a steel tubing company involving alleged violation of Clayton Antitrust Act § 7 and predatory pricing in violation of Sherman Antitrust Act § 2; favorable jury verdict followed reversal of defense summary judgment (*California Steel and Tube v. Kaiser Steel Corp.*, 650 F.2d 1001 (9th Cir. 1981))
- Lead counsel in a matter involving newspaper and food processor clients in actions alleging below-cost sales in violation of California Unfair Practices Act and other state antitrust statutes
- Lead counsel in matters involving an ambulance company that was charged with conspiring to monopolize the market for emergency medical services and that filed similar claims against competitors
- Representation of clients in various federal and state court actions charging price-fixing conspiracies in the beer, cellular phone, cement, credit card, semiconductor, hotel, cosmetics and other industries

Professional Liability

- As general counsel for a large firm for over 12 years, was responsible for resolving conflicts and professional negligence claims and litigation

Honors, Memberships, and Professional Activities

Selected Memberships and Affiliations

- Member, California Judges Association, 2004–present
- Member, Alameda County Bar Association, 2004–present
- Member, San Francisco Bar Association, 1978–2003; 2019–present
- Member, Antitrust and Litigation Sections, American Bar Association, 1978–2003
- Member, Antitrust Section, California Lawyers Association (formerly California State Bar), 1978–2003
- Member, Earl Warren Chapter, American Inns of Court, 2008–2010
- Member, Lawyers Committee for Civil Rights, 1986–2003
 - Co-Chair, 1993–1995
- Mediator, Early Settlement Program, San Francisco Superior Court, 2000–2003
- Member, Judiciary Committee, San Francisco Bar Association, 1997–1999
- Admitted to California Bar, 1977
- Admitted to Massachusetts Bar, 1974

Selected Awards and Honors

- Trial Judge of the Year, Alameda-Contra Costa County Trial Lawyers' Association, 2015
- Robert G. Sproul, Jr. Award for Pro Bono Work, San Francisco Lawyers' Committee, 1991

Selected Teaching and Speaking Engagements

- Speaker, Practising Law Institute, 1988–2003
 - Microsoft Antitrust Litigation, 2002–2003
 - Intellectual Property/Antitrust, 1992–1995, 1997–2001

- Patent Antitrust, 1989
- Deposition Skills Training Program, 1988
- Member, Litigation Section Panel, Trade Secrets, American Bar Association, 1987
- Instructor, University of California, Hastings, Federal Trial Practice Program, 1986–1988
- Instructor, University of California, Hastings, College of Trial Advocacy, 1984–1985, 1989

Selected Professional Activities

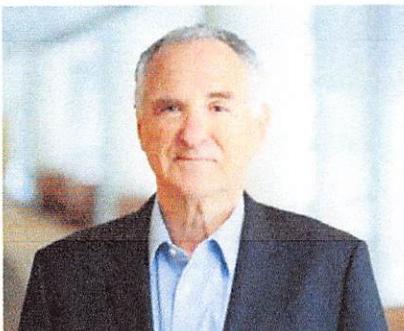
- Editor, *The Journal of Proprietary Rights*, 1989–1991
- Editor-in-Chief, San Francisco Bar Association's *Northern District of California Digest*, 1982–1984

Background and Education

- Alameda County Superior Court, 2003–2019
 - Presiding Judge, 2018–2019
 - Assistant Presiding Judge and Settlement Judge, 2016–2017
 - Supervising Judge, Civil, 2012–2015
 - Complex Litigation, 2012–2015
 - Civil Direct Calendar, 2010–2011
 - Family Law, 2007–2009
 - Civil Non-Jury Trials, 2006
 - Criminal, 2004–2005
- Thelen Reid & Priest (and predecessor Thelen, Marrin, Johnson & Bridges), 1977–2003
 - Partner, 1982–2003
 - National Co-Chair, Commercial Litigation Department, 1999–2003
 - Chair, Risk Management Committee, 1993–2003
 - General Counsel, 1993–2003
 - Associate, 1977–1981
- Law Clerk, The Honorable Gerald Bard Tjoflat, United States Court of Appeals for the Fifth Circuit, 1976–1977
- Law Clerk, Superior Court of Massachusetts, 1975
- Teaching Fellow, Boston College School of Law, 1974–1975
- J.D., *cum laude*, Harvard Law School, 1974
- B.A., *summa cum laude*, Williams College, 1971

Disclaimer

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Michael D. Cooper

Attorney | t: 510.834.6600 | f: 510.834.1928 | mcooper@wendel.com

Experience

Michael, who has practiced law since 1969, is a partner in the firm's insolvency and restructuring practice group. He represents parties in insolvency, workouts and bankruptcy matters, including debtors, trustees and creditors. As a recognized expert in the field, he served on the State Bar Consulting Group that established certification procedures for bankruptcy specialists in California. He has been active in committees charged with consulting and drafting several sets of guidelines for rules and procedures related to bankruptcy law for the Northern District of California.

The Bankruptcy Court appointed Michael a resolution advocate in its Bankruptcy Dispute Resolution Program, and he has successfully mediated more than 125 matters through this program. For many years, Michael has offered pro bono representation to indigent clients in bankruptcy and consumer matters through the AIDS Legal Referral Panel of San Francisco.

Michael is also part of the firm's Cannabis Practice group. He is vice-chair of the Cannabis Commission for the City of Berkeley, having been a commissioner since 2013. The Commission has been working on the enactment of cannabis ordinances to allow cannabis cultivation, manufacturing, delivery and sales of cannabis in the city.

Practice Highlights

- Successfully represented a municipality's port in the IFC Kaiser Engineering chapter 11 bankruptcy involving a large construction project.
- Represented a chapter 11 plan liquidator in consummating his duties under the plan in which all creditors were paid in full.
- Represented the ESOP owner in a Chapter 11 case for a major retail pizza franchise that resulted in a court confirmed Chapter 11 plan for a recapitalization that restructured bank debt, revised contract and lease terms, and provided for distribution to creditors in satisfaction of claims.
- Represented owner of a large commercial building located near Capitol Mall in Sacramento, California, which resulted in a successful recapitalization and refinancing of secured loan to avoid foreclosure and maintain its ownership.
- Successfully represented various commercial landlords as creditors in bankruptcy cases.
- Represented an individual debtor in a chapter 11 case, which allowed the client to stop a foreclosure of a multimillion dollar residence.

Admissions

State Bar of California

United States District Court; Northern, Southern, Eastern and Central Districts of California

United States Court of Appeals, Ninth Circuit

United States Supreme Court

Affiliations

Bankruptcy Dispute Resolution Program

- Resolution advocate since 1995

Cannabis Commission, City of Berkeley

- Vice-Chair

Bay Area Bankruptcy Forum

- Board of Directors, 1994 to 2000
- Member since inception

State Bar of California

- Personal and Small Business Bankruptcy Law Advisory Commission, chair, 1995 to 1996; vice chair 1994 to 1995
- Bankruptcy Law Consulting Group, member (determined standards for certification of bankruptcy law specialists in California), 1989 to 1992

Court Appointed Special Committees

- Committee of Lawyer Representatives of the Northern District of California to the Ninth Circuit; member, 2000 to 2003
- Lawyer Representatives of the United States Bankruptcy Court for the Northern District of California, Former committee member and chair
- Drafting committee member for General Order No. 12 – Adoption of Dispute Resolution Procedures for Bankruptcy Cases and Adversary Proceedings, adopted by the Bankruptcy Judges for the Northern District of California, 1993 to 1994
- Rules subcommittee member to revise bankruptcy rules for the Northern District of California, 1991 to 1992
- Bankruptcy Committee to Establish Guidelines for the U.S. Trustee in Bankruptcy Cases for Northern California and Nevada, member, 1988 to 1990
- Bankruptcy Court Automation Committee for the Northern District of California, former member

Alameda County Bar Association

- Bankruptcy and Commercial Law Section, executive committee member and former chair, 1998 to present
- Voluntary Legal Services Bureau of Alameda County, pro bono representation of indigent clients in bankruptcy matters
- Lawyers in the Library Program, counsel indigent clients in consumer matters

Bar Association of San Francisco

- Commercial Law and Bankruptcy Section
- AIDS Legal Referral Panel, pro bono representation, 1993 – present

Publications

- "Asset Protection Planning – An Overview," Fall 2006

Speaking and Teaching

- Bay Area Bankruptcy Forum Panelist
- PESI Ninth Circuit Bankruptcy Symposium, Panelist, 1993
- Pacific Bankruptcy Law Institute, Faculty Member, 1991
- CPA Associations, Lecturer
- Bay Area Legal Secretaries' Forum, Lecturer
- Other civic and professional organizations

Awards/Recognition

- Selected by his peers for inclusion in *The Best Lawyers in America®* in two practice areas, Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law and Bankruptcy Litigation, 2008-2016
- Selected for inclusion in Northern California Super Lawyers magazine, 2004-2019
- AV® Preeminent™ rated by Martindale-Hubbell. AV is a registered certification mark of Reed Elsevier Properties Inc., used in accordance with the Martindale-Hubbell certification procedure's standards and policies.

Dear Sir/Woman:

I am writing to you in regards to my recent bankruptcy filing. I am currently facing financial difficulties and am seeking your guidance and assistance. I have been unable to make my monthly payments on my credit cards and other debts, and I am at risk of losing my home if I do not find a solution soon. I would appreciate any advice or guidance you can provide to help me through this difficult time.

I understand that filing for bankruptcy protection may affect my credit score and ability to borrow money in the future, but I believe it is the best option for me right now. I am willing to work with my creditors to come up with a plan that will allow me to catch up on my debts and get back on track. I would appreciate any information you can provide to help me navigate this process.

Thank you for your time and consideration. I look forward to hearing from you soon.

Very truly yours,

Michael D. Cooper



Timothy J. Corcoran

Redlands Arbitration and Mediation Services, Inc.

1710 Plum Lane, Suite A, Redlands, CA 92374

Trail Creek Mediation

702 W. Idaho Street, Suite 1100, Boise, ID 83702

California: (909) 544-0708 | Idaho: (208) 818-6891 | Fax: (951)683-6014 |
Email: timc@corcoranmediation.com | Web: www.CorcoranMediation.com

OCCUPATION

Commercial Mediator and Arbitrator

- Mediation, Conflict Management, Arbitration
- Over 7,000 ADR cases; over 30 years
- President and founder, Redlands Arbitration and Mediation Services, Inc. and Trail Creek Mediation

EDUCATION

Thomas Jefferson College of Law, San Diego, CA – J.D., 1978

University of Southern California, Los Angeles, CA – B.A., 1975

Pepperdine University School of Law, Straus Institute for Dispute Resolution

Harvard Law School, Program on Negotiation

ADR AFFILIATIONS and HONORS

Distinguished Fellow, International Academy of
Mediators

Diplomat of The California Academy of Distinguished
Neutrals

Southern California Mediation Association

American Mediation Institute

International Mediation Institute (certified)

Kaiser Permanente Neutral Panel Member

American Bar Association - ADR section

Mediate.com (certified)

Redlands Arbitration & Mediation Services, Inc.,
Founder, President and Panelist (2005-present)
JAMS-The Resolution Experts| Panelist (2012-2013)
Judicate West, Panelist (2006-2011)
IVAMS – Panelist (2010-2011)
Resolute Systems, panelist
Super Lawyers – ADR Section, Southern California
Top 50 Neutrals – Los Angeles Daily Journal
State Bar of California –Alternative Dispute
Resolution Committee Member (2011-2014)
Martindale-Hubbell – AV Rating

LEGAL BACKGROUND AND AFFILIATIONS

ADMISSIONS TO PRACTICE

State of California (State Bar number 92563)

United States Supreme Court

United States Court of Appeal, Ninth Circuit

United States District Court, Central District of California

LEGAL ASSOCIATIONS

Consumer Attorneys of California (former)

Southern California Defense Counsel (former)

Association of Trial Lawyers of America (former)

San Bernardino County Bar Association (former)

Riverside County Bar Association (former)

Board of Directors, 1986

Riverside County Barristers (former) President, 1985

College of Civil Trial Mediators (former)

LEGAL EXPERIENCE

- Timothy J. Corcoran, Attorney at Law, Redlands, CA – 1989-Present;
- Thompson & Colegate, Riverside, CA - 1981- 1989;
- Piazza, Bainer & Ritschell, Victorville, CA – 1980-1981;
- Judge pro tempore, San Bernardino and Riverside Counties

LEGAL PUBLICATION

Criminal Justice Journal of Western State University, Staff Member 1976-1978
Several Bar Associations and Journal Articles

LECTURES & SEMINARS

Association of Southern California Defense Counsel, Annual Seminar. Panel Presentation: Advanced Mediation Strategies and Techniques. Panel member with Troy Roe, Hon. Joe Hilberman, Darryl Forgey and Anne Anderson, March 10, 2011, The Biltmore Hotel, Los Angeles, CA.

Riverside County Bar Association, Dispute Resolution Services Annual Seminar. Advanced Mediation Forum, 'The Fallacy of Impasse", Co-Instructor with LeeJay Berman and Doug Noll, October 22-23, 2011, Riverside, CA.

JAMS and the University of Southern California Law School Alumni, Panel Member with James Heiting, Substance Abuse CLE, Orange, CA. January 2013

SBCBA and the University of La Verne School of Law, Moderator with Karen Feld, Alex Polsky and James Heiting, Substance Abuse, Gender Bias, CLE, Ontario, CA. January 2013

California State Bar Annual Meeting, Negotiations with Difficult People, Panelist with Doug Noll and Steve Mehta and Bob Anderson as Moderator, San Jose, CA, October 12, 2013.

Western San Bernardino County Bar Association, Speaker with Honorable Christopher Warner - Negotiations with Difficult People and How to Get Past Impasse in Mediation CLE, Ontario, CA, January 18, 2014

Western San Bernardino County Bar Association, Speaker with Gemma George, Phyllis Pollack, Honorable John Pacheco, James Heiting – Ethics, Bias and Substance Abuse Blitz CLE, Ontario, CA, January 23, 2014

Riverside County Bar Association, ADR Services, Speaker with Honorable Christopher Warner - Negotiations with Difficult People and How to Get Past Impasse in Mediation CLE, Riverside, CA, June 12, 2014

WSBCBA and the University of La Verne School of Law, Moderator and speaker with Denise Madigan, Mike Young, James Heiting – Bias, Ethics, Substance Abuse Blitz, Ontario, CA, January 29, 2015

WSBCBA and the University of La Verne School of Law, Speaker with Honorable Martha Bellinger (Ret.), Karen Feld, John Lowenthal – MCLE Blitz, Ontario, CA, January 28, 2016

WSBCBA and the University of La Verne School of Law, Speaker with Honorable Martha Bellinger (Ret.), James Heiting – MCLE Blitz, Ontario, CA, January 27, 2017

Western San Bernardino County Bar Association, Speaker with Honorable Bryan Foster, Justice Doug Miller – Mediation Briefs, Trial Briefs, and Appellate Briefs- MCLE Blitz, Rancho Cucamonga, CA, February 23, 2017

State Farm Insurance Company – Mediation Briefs, Bonnie Moss & Associates, Riverside, CA June 1, 2017

E. ALEXANDRA "SANDRA" DELATEUR

Mediator * Arbitrator * Attorney at Law

Mailing address: 2310 Homestead Rd., # C1-527
Los Altos, CA 94024

delateuresq@gmail.com
(408) 204-4869

EMPLOYMENT

**2012-
present**

Law Offices of E. Alexandra DeLateur

Mediator, Arbitrator and Hearing Officer. Offering mediation services through the Bankruptcy Court's Dispute Resolution Program ("BDRP"), the Northern District of California Mortgage Modification Mediation Program ("MMM"), Santa Clara Superior Court, Project Sentinel, Mountain View rent stabilization ("CSFRA"), Hayward Rent Review program, and the Santa Clara County Bar Association ("SCCBA") fee mediation/arbitration program. Also serves as an arbitrator/hearing officer for the SCCBA, Hayward Rent Review program, and Mountain View CSFRA program. Coaches mediation students as part of the basic 40-hour community mediation training and as part of speaker panels. (Reduced case load while working at Project Sentinel-see below.) Formed Ridge Mediation LLC with Paul Hebert in 2019 to offer communication and conflict resolution workshops and innovative mediation to the public regarding a broad range of disputes.

2016-2017

Project Sentinel, a nonprofit agency (Santa Clara, California)

Director of Tenant/Landlord Counseling and Dispute Resolution Programs. Managed department of approximately twelve staff who provided counseling on rental rights/responsibilities and dispute resolution services in five offices serving three counties. Coordinated and presented workshops on tenant/landlord topics and dispute resolution techniques and practice. Oversaw the launch of a day of court ADR settlement program for Unlawful Detainer Court in Santa Clara County. Prepared detailed reports to funders and assisted with drafting grant proposals.

2005-2012

Office of Devin Derham-Burk, Chapter 13 Trustee (San Jose, California)

Staff attorney. Reviewed and responded to correspondence and pleadings filed in Chapter 13 cases, researched legal issues, advised Trustee on legal procedures and strategy, conducted §341 meeting of creditors at weekly hearings as the Trustee's representative, appeared as Trustee's counsel at court hearings, and managed office matters in the Trustee's absence.

1992- 2003

Law Offices of E. Alexandra DeLateur (Grayslake, Illinois)

Founded sole practice handling Chapter 7 and 13 bankruptcies for creditors and debtors and collection matters. Participated in the Volunteer Lawyer's Program, advocating for indigent clients in bankruptcy matters.

1990-1992

Federal Deposit Insurance Corporation (Irvine, California)

Staff Attorney, Bankruptcy Section. Litigated and negotiated collection matters in California and supervised outside counsel for regional cases. Selected to work on special projects, such as termination of court appointed liquidation of financial institutions.

1990

U.S. Bankruptcy Court (Central District of California, Santa Ana Division)

Senior Law Clerk to Hon. James N. Barr. Prepared daily motion matters for hearing including research and tentative rulings. Drafted opinions on submitted matters and advised the Court.

1988-1990 Frandzel & Share (Orange County and Beverly Hills, California offices)
Associate attorney. Appeared on behalf of creditors and trustees in chapter 7, 11, and 13 cases before the bankruptcy courts and represented creditors in state courts in civil business litigation and collections matters. Performed legal research and prepared pleadings.

1988 Fresno County Superior Court (Fresno, California)
Law clerk. Analyzed motions, verified authorities, and submitted recommendations to the judges who heard the motion calendars. (Temporary position)

1986-1988 Kimble, Mac Michael & Upton (Fresno, California)
Associate attorney. Researched bankruptcy, business litigation, and transactional law matters, drafted court pleadings and documents, and appeared in state and bankruptcy courts.

EDUCATION AND LICENSES

Vanderbilt University School of Law, J.D., 1986.

University of California, Berkeley, B.A., 1983, Political Science with High Honors.

Mediation & ADR Instruction: three basic 40-hour mediation courses completed 1991, 2001 and 2013 (DRPA compliant). Numerous advanced mediation trainings completed; About ten arbitration and hearing officer trainings completed over the past seven years plus continuing education and training for temporary judges. Also trained as a group discussion facilitator.

Licensed Attorney: Active in California; Inactive in Illinois and District of Columbia. Member of the Santa Clara County Bar Association and all federal district courts in California and Northern Illinois.

ADDITIONAL ACTIVITIES

Mediation and Arbitration Activities:

- Appointed to the Superior Court of California, County of Santa Clara's ADR Committee in November 2018 for the 2019-2020 term.
- Serves as a mediator, arbitrator, and hearing officer for Project Sentinel assisting with community disputes pursuant to voluntary and mandatory dispute resolution programs.
- Mediates for the Bankruptcy Dispute Resolution Panel and Mortgage Modification Mediation Program for the Bankruptcy Court for Northern District of California.
- Mediates and arbitrates for the Mandatory Fee Arbitration Program for the Santa Clara County Bar Association.
- Speaks on panels regarding mediation and ADR practices for the County, Santa Clara Law School, and local organizations.
- Prior experience: Volunteered as Lead Day of Court Mediator for Small Claims for Santa Clara County's Dispute Resolution Program. Mediated court (small claims and civil harassment) and community issues. Interned in the office developing and convening mediation sessions and engaging in phone conciliations. Arbitrated through the Lake County Circuit Court Arbitration Program prior to relocating to California.

Volunteer Temporary Judge Program: Volunteer temporary ("pro tem") judge for the small claims division of the Santa Clara Superior Court approximately once a month, hearing trials presented by unrepresented parties stemming from a wide variety of disputes.



Hon. Catherine A. Gallagher (Ret.)

Case Manager

Lisa Midel
T: 408-346-0733
F: 408-295-5267
160 W. Santa Clara St., Suite 1600, San Jose, CA 95113
lmidel@jamsadr.com

Biography

Available to conduct virtual/remote mediations, arbitrations and other ADR proceedings on a variety of online platforms, including Zoom.

Hon. Catherine A. Gallagher (Ret.) is known for her wealth of experience in dispute resolution as a mediator, arbitrator, Judge Pro Tem, discovery master, and neutral evaluator. Judge Gallagher has handled a broad spectrum of cases, including business and commercial disputes, family law, probate, financial markets and personal injury. She is lauded for her intelligence and tenacity, and her ability to navigate through complex issues in order to bring parties together and reach efficient resolution.

Before joining JAMS, Judge Gallagher was on the Santa Clara County Superior Court for over 25 years including a two-year term as the Presiding Judge. During her time with the Superior Court, she served in every division giving her experience in many diverse areas of the law and providing her with great insight into how to resolve cases with a wide variety of personalities. Before her appointment to the bench she worked in the Division of Enforcement at the Securities and Exchange Commission, was a Deputy District Attorney and taught at the University of Santa Clara.

ADR Experience and Qualifications

- Mediated and arbitrated hundreds of cases in a variety of practice areas as a full time neutral at JAMS
- Served 25 years as a trial court judge where she resolved thousands of cases
- Handled law and motion matters, trials, settlement conferences, and case management conferences
- Taught judicial skills to bench officers through the California Center for Judicial Education and Research and the California Judges Association

- Resolved discovery disputes as discovery judge for all civil departments

Representative Matters

Business Commercial

- Misappropriation of trade secrets, breach of contract and related claims arising from the design of a heart stent brought against two cardiologists who eventually sold the design to a major pharmaceutical company
- Custom floor adhesive product allegedly failed to perform as promised after shipment to distribution points through the United States

Employment

- Former employee claimed employment discrimination due to miscarriage and pregnancy related issues against Swiss pharmaceutical company doing business in the United States
- Wrongful termination case involving hostile, sexually charged workplace in traditionally male dominated industry

Family Law

- Presided over the Family Law calendar managing Orders to Show Cause, Judicial Custody Conferences, Settlement Conferences, trials, and ex partes
- Extensive experience with spousal and child support, property division, business evaluation and classification of income and assets

Professional Liability

- Accountant/ CPA liability for tax returns of a high net worth real estate developer with significant tax losses due to operation of an Arabian horse racing farm and breeding facility and with substantial gains from sale of major South Bay shopping center
- Podiatrist/surgeon liability- misalignment of toes; Breast cancer – failure to diagnose brought against radiologist by mother of two pre- teenage boys; Reynaud's Syndrome-failure to properly treat grocery store clerk

Trusts and Estates

- Resolved claims of undue influence and breach of fiduciary duty in connection with wills and trusts
- Helped parties settle conflicts between stepmother and adult children, sibling disagreements, trustee and conservator of estate disputes

Honors, Memberships, and Professional Activities

- Woman of Influence, Silicon Valley Business Journal, 2014
- Trial Judge of the Year, Santa Clara County Trial Lawyers Association, 2008

- Michael Patiky Miller Luminary Award, Silicon Valley Bar Association, 2007
- Honoree, Saint Thomas More Society, 2007
- Honoree, Women Lawyer Committee of the Santa Clara Bar Association, 2006
- Lecturer, University of Santa Clara, Trial Practice Techniques, 2007
- Professor, University of Santa Clara, Paralegal Institute, Securities Regulation, 1984-1991
- Bar Examination Grader, State Bar of California, San Francisco, California, 1978-1979
- Member, California Judges Association, 1984 to present (Executive Board member, 2003-2006)
- Board Member, Sentencing Alternate Program, 1984-2004 (former President and officer)
- Board of Directors, National Association of Alcohol and Drug Dependency, 1986-1991
- Board Representative from the District Attorney's Office, WOMA (The Women's Alliance to prevent Domestic Violence), 1979-1983
- Member, National Association of Women Judges; Lifetime member of California Women Lawyers; Santa Clara Bar Association
- "Committed to Closing," ADR Profile, *Daily Journal*, July 29, 2011

Background and Education

- Judge, Superior Court, County of Santa Clara, 1989-2009
 - Presiding Judge, 2007-2008
 - Assistant Presiding Judge, 2005-2006
- Judge, Municipal Court, County of Santa Clara, 1984-1989
- Deputy District Attorney, County of Santa Clara, 1979-1984
- Special Assistant United States Attorney, United States Attorney's Office, San Francisco, California 1979-1981
- Staff Attorney, Securities and Exchange Commission, Division of Enforcement, Washington D.C. (1975-1977) and San Francisco, California (1977-1979)
- Law clerk, Honorable Joseph M.F. Ryan, Jr. Superior Court of the District of Columbia, Washington, D.C. (1974-1975)
- J.D., Georgetown University Law Center, 1974
- B.A., St. Mary's College, Notre Dame, 1971

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Patricia K. Gillette, Esq.

Case Manager

Aimee Hwang
T: 415-774-2607
F: 415-982-5287
Two Embarcadero Center, Suite 1500, San Francisco, CA
94111
ahwang@jamsadr.com

Biography

Available to conduct virtual/remote mediations and other ADR proceedings on a variety of online platforms, including Zoom.

Patricia Gillette, Esq. joins JAMS as a full-time neutral with many years of experience as a top rated trial lawyer and mediator. When she was in practice, Ms. Gillette focused on all aspects of employment law, including litigation of wrongful discharge and discrimination class actions and individual/multi-plaintiff cases in both state and federal court, representation of employers before administrative agencies, and counseling and training employers on preventive personnel practices.

Ms. Gillette has a reputation for connecting and relating deeply with people. While she was known as a tough litigator, she is also known for her ability to settle cases. Her intuitive skills as well as her ability to problem solve give her the ability to see all sides of an issue and to find workable and fair solutions. She has knack for breaking through the barriers that often impede settlement efforts, by inspiring the parties to think differently about how to realize their goals.

Ms. Gillette is the co-founder of the Opt-In Project, a nationwide initiative focused on changing the structure of law firms to increase the retention and advancement of women in the workplace and has been recognized on several occasions for her contributions to women in the profession.

ADR Experience and Qualifications

- Conducted mediation training for Federal and State Court Judges
- Has spoken on mediation at conferences and at bar association meetings
- Began serving as a neutral on a part-time basis in 2015, while a partner at Orrick, Herrington & Sutcliffe

Representative Matters

- Discrimination and related claims brought under state and federal laws including claims based on age, race, gender, national origin, sexual orientation, disability, and marital status
- Disparate Impact/Implicit Bias matters
- All types of harassment
- Retaliation
- Statutory Claims brought under state laws such as:
 - California Business & Professions Code §§ 17200, et seq.
 - Family and Medical Leave Act (FMLA)
 - California Family Rights Act (CFRA)
 - California Pregnancy Disability Leave Law (PDL)
 - California Labor Code § 1102.5
- Wrongful Discharge and Related Tort Claims such as
 - Defamation
 - Intentional and Negligent Infliction of Emotional Distress
 - Interference with contractual relation
 - Loss of consortium
 - Invasion of privacy
 - Fraud
- Wrongful termination in violation of public policy
- Attorneys' fees disputes
 - Contract disputes, including those involving:
 - Executive employment contracts
 - Law firm and other partnership agreements
 - Severance pay contracts
 - Release agreements

Honors, Memberships, and Professional Activities

- Recipient of ABA Golden Hammer Award for promoting diversity in the profession, given by the ABA Law Practice Division and the ABA Women Rainmakers Division
- Recipient of the Fay Stender Award, the highest award given by the California Women Lawyers Association
- Recipient of the San Francisco Bar Association Award of Merit for her work as Co-Chair of the No Glass Ceiling Initiative, 2010
- Recipient of the Transformational Leadership Award as the Top Woman Rainmaker, 2012
- The Recorder's California Labor & Employment Department of the Year, 2013-2014
- The Recorder's California Litigation Department of the Year, 2013-2014
- The Recorder Leading Employment Lawyer, 2012
- Named among "The Best Lawyers in America," Chambers USA, 2005-present
- American Registry's Top 50 Women Attorneys in Northern California
- Daily Journal's Top Labor and Employment Lawyers in California, 2010, 2012
- Named as a Super Lawyer in Employment Law and Litigation, 1994-present
- The International Who's Who of Management Labour and Employment Lawyers

ADR Profiles

- "Uncommon Solutions," ADR Profile, *Daily Journal*, May 19, 2017

Background and Education

- Partner, Orrick, Herrington & Sutcliffe, 2007-2015
- Shareholder, Heller Ehrman, 1989-2007
- Partner, Schachter, Kristoff, 1984-1989
- Head of Personnel Law Section, Bank of America, 1978-1984

- Associate, Littler Mendelson, 1976-1978
- J.D., *cum laude*, University of San Francisco School of Law, 1976
- A.B., Occidental College, 1973

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Hon. Ken M. Kawaichi (Ret.)

Case Manager

Lorena Harrell
T: 925-975-5707
F: 925-938-6732
1255 Treat Blvd., Suite 700, Walnut Creek, CA 94597
lharrell@jamsadr.com

Biography

Available to conduct virtual/remote mediations, arbitrations and other ADR proceedings on a variety of online platforms, including Zoom.

Hon. Ken M. Kawaichi (Ret.) is a 28-year veteran of Alameda County's municipal and superior courts, and has developed a reputation for encouraging settlement discussions throughout the pre-trial and trial process. He has experience in a wide variety of hearing formats and case types, ranging from bankruptcy to employment and construction disputes. He is sought after and highly regarded for his efficiency, empathy, and respect of all clients.

ADR Experience and Qualifications

- Almost three decades of experience handling all types of civil cases, including national and international commercial disputes
- Over fifteen years of experience managing mass tort litigation, including hundreds of multi-party civil cases
- Trained in, used and taught various dispute resolution techniques, including mandatory and voluntary court settlement conferences, grouped or consolidated case settlement conferences, early disposition programs, supervised negotiations, court trials and arbitrations, mediation, summary trials, mass action settlements, class action settlements, phased settlement conferences, and others

Representative Matters

- **Bankruptcy:** Currently serves as Trustee for the following asbestos bankruptcy trusts: Combustion

- Engineering 524(g) Personal Injury bankruptcy trust, Kaiser Aluminum and Chemical 524(g) Personal Injury bankruptcy trust, Federal Mogul 524(g) Personal Injury bankruptcy trust
- Business/Commercial:** Mediated and arbitrated a wide variety of complex business and tort cases, commercial disputes, contract disputes, consumer claims, banking disputes, collection, and financial cases
- Construction/Real Estate:** Mediated and arbitrated construction cases and real property cases involving unlawful detainers and landlord/tenant matters
- Employment:** Heard cases involving discrimination charges, labor disputes, and Americans with Disabilities Act claims
- Personal Injury:** Mediated and arbitrated many personal injury suits, asbestos claims, railroad hearing loss claims, products liability cases, defamation claims, and healthcare disputes
- Public Entities:** Involved with disputes involving schools, colleges, and universities, as well as state and local government claims

Representative Matters prior to joining JAMS

- *Adams v. State of California*
- *Buttram v. Fibreboard Corp.*
- *Byrd v. Lew*
- *Ciampaglia v. Rasco*
- *Dillingham Construction v. California State Board of Equalization*
- *Gomes v. Karol*
- *Hackett v. Swanson*
- *Complex Asbestos Litigation*
- *Jones v. California Trust Deeds, Inc.*
- *Kaiser Air v. Port of Oakland*
- *Kaminski v. Western MacArthur Co.*
- *Kiddie v. Fibreboard Corp.*
- *Leticia A. v. Regents of the University of California*
- *Loshse v. Lakeland Village Homeowners' Assoc.*
- *Newwald v. Dean*
- *Ruiz v. Port of Oakland*
- *Turner v. Union Pacific Railroad*
- *Western MacArthur Company v. General Accident and Insurance Company*
- *Widergren v. Everest & Jennings, Inc.*

Honors, Memberships, and Professional Activities

- Benjamin Aranda III Access to Justice Award, 2003
- Judge of the Year Award, Alameda-Contra Costa Trial Lawyers Association, 1989
- Member, California Judges' Association; Past President, California Asian/Pacific Judges' Association
- Member, California Judicial Council Committees: Civil Forms; Civil and Small Claims; Task Force on Complex Litigation; Task Force on Race and Ethnic Bias; Chair, Access and Fairness; Chair, CJER Fairness Planning
- Member, University of California, Berkeley, Community Advisory Board
- Member, American Bar and Alameda County Bar Associations; American and California Trial Lawyers' Associations
- Chair Elect, National Judicial College Faculty Council
- Founder, Asian Law Caucus

Background and Education

- Judge, Alameda Superior Court, 1980-2003
- Judge, Oakland-Piedmont-Emeryville Municipal Court, 1975-1980
- Partner, Yonemura, Yasaki & Kawaichi, Oakland, CA, 1969-1975
- Assistant Professor, University of California, Berkeley, 1970-1973
- Associate, Yonemura & Yasaki, Oakland, CA, 1966-1969

- Faculty, CJER Judges' College, National Judicial College, CEB, NITA, PLI, Judicial courses in China, Russia, Mexico, Puerto Rico, Micronesia, California, Nevada, Utah, Pennsylvania, Texas, New York, Massachusetts, New Hampshire, Washington, and Hawaii
- LL.B., University of California, Berkeley School of Law (formerly Boalt Hall School of Law), 1966
- A.B., Pomona College, Claremont, CA, 1963

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SANFORD KINGSLEY

5758 Geary Boulevard, #154, San Francisco, CA 94121
(415) 867-3819 □ skmediate@gmail.com
www.skmediate.com

PROFESSIONAL EXPERIENCE

Mediation Offices of Sanford Kingsley

Mediation practice devoted to the resolution of commercial, employment, insurance, real estate and personal injury disputes; Service as Discovery Master

Judge Pro Tem for Settlement Conferences --San Francisco, Marin and Santa Clara County Superior Courts

Resolution Advocate—Northern District Bankruptcy Court Dispute Resolution Program

Panel of Neutrals, Voluntary Dispute Resolution Program—United States District Court for the Eastern District of California

Civil Discovery Facilitator—Marin County Superior Court

Discovery Judge Pro Tem—San Francisco Superior Court

Member—The Mediation Society (Board of Directors), Association of Attorney-Mediators and ABA Section of Dispute Resolution

Bar Association of San Francisco Mediation Panel

Martindale-Hubbell AV Preeminent Rating (1997-2019)

Dentons (formerly Sonnenschein Nath & Rosenthal LLP/SNR Denton LLP)

Partner, Commercial Litigation, Insurance Regulatory and Indian Law Practices 2003 – 2014

Significant Representations:

Defended corporate defendants in complex commercial litigation and putative class actions based on alleged improper business practices. Represented employers in employment related litigation including discrimination and wage and hour claims.

Represented prominent Indian tribe (Yocha Dehe Wintun Nation) in litigation, commercial and internal matters including acting as General Counsel to Cache Creek Casino Resort—a tribal enterprise employing over 2400 persons.

LeBoeuf Lamb Greene & MacRae

Partner, Litigation, Insurance Regulatory and Employment Practices 1990 - 2003

Associate 1985 - 1990

Dorr Cooper & Hays/ Kundsen Buell & Berner

Associate, maritime (Dorr) and real estate (Knudsen) litigation firms 1981 - 1985

Other Activities:

Adjunct Lecturer, Santa Clara University School of Law Spring 2013

EDUCATION

University of California, Hastings College of the Law

Juris Doctorate 1981

University of California, Berkeley

Bachelor of Arts, Political Science and Development Studies 1977

DEBRA L. MELLINKOFF

**1001 Bridgeway #203
Sausalito, CA 94965**

**(415) 289-0300
FAX (415) 289-0400**

PROFESSIONAL EXPERIENCE

- Principal, Mellinkoff Mediation**

San Francisco, CA

April 1993 - Present

Owner of alternative dispute resolution firm with 37 years of experience in resolving business, banking, securities, real estate, employment, intellectual property, bankruptcy, probate, professional malpractice, personal injury, construction, insurance and environmental disputes.

Achievements:

Member of mediation panels for United States District Court Northern District of California, San Francisco Superior Court, Marin County Superior Court, San Mateo Superior Court, California Court of Appeal, United States Bankruptcy Court and FINRA Dispute Resolution, Inc.

Successfully resolved numerous disputes before a lawsuit was ever filed.

Conducted independent fact-finding in employment, discrimination and sexual harassment claims, including interviews of key witnesses and review of confidential information.

Developed seminars on using mediation proactively to resolve disputes before they escalate into litigation, and how lawyers can be effective advocates in a mediation.

Member of California Academy of Distinguished Neutrals, Society of Professionals in Dispute Resolution, The Mediation Society, ABA Committee on Mediation, ABA Committee on International Alternative Dispute Resolution, California Dispute Resolution Council and San Francisco Superior Court ADR Committee.

- Partner, Long & Levit**

San Francisco, CA

1987 - March 1993

Business, employment, real estate and legal malpractice litigation attorney at multi-specialty law firm. Managed all aspects of litigation involving financial institutions, real estate developers, manufacturers, attorneys, accountants and brokers. Specialized in mediation as alternative to litigation.

Achievements:

Negotiated the settlement in two-year old false advertising/unfair competition multi- party litigation in several months, after client had spent \$800,000 in attorneys' fees on former counsel.

Acted as outside general counsel for several real estate brokerage firms. Duties included handling all legal matters affecting companies, acting as a business counselor, and training agents to avoid litigation.

• **Attorney, Schulte Roth & Zabel**

New York, NY

1983 - 1987

Counsel to New York financial institutions and securities brokerage firms in litigation, bankruptcy, employment, probate and real estate matters.

Achievements:

Negotiated loan workouts with Citibank N.A.'s private banking clients.

Facilitated settlements in four class action securities fraud lawsuits.

• **Attorney, Shea & Gould**

New York, NY

1981 - 1983

Commercial and employment litigation practice.

• **Mediator, California State Energy Commission**

San Francisco, CA

1979 - 1980

Meditated dispute between state government and community residents over proposed expansion of co-generation facility in San Francisco.

• **Mediator, Environmental Council on Funding**

New York, NY

1976 - 1979

Appointed by Rhode Island Governor J. Joseph Garrahy to mediate a dispute among business, labor, environmental and governmental leaders over the disposition of 4,000 acres of Navy property adjoining Narragansett Bay.

Achievements:

Negotiated the development of evaluation criteria, pertaining to economic, social and environmental issues, so that merits of development proposals could be evaluated in light of community concerns.

Author of manual on use of mediation to resolve disputes over use of surplus military properties prepared for Office of Economic Adjustment of the Department of Defense.

Extensive fund-raising experience with corporate and private foundations and governmental funding through Department of Defense.

Dealt extensively with the media in highly publicized regional dispute.

Testified before the U.S. Senate Committee on Environmental Quality on using mediation to resolve land use disputes.

EDUCATION

UNIVERSITY OF CALIFORNIA , Hastings College of the Law

J.D. 1981

Recipient of Moot Court Award

Judicial Intern for the Honorable Charles E. Stewart, United States District Court Southern District of New York.

UNIVERSITY OF CALIFORNIA , Santa Cruz, CA

B.A. 1976

Crown Zellerbach Fellowship

Honors in the Major

Honors on the Thesis

OTHER EXPERIENCE

- Chairperson of Legal Employment Program of the Bar Association of San Francisco.
- Former member of Board of Directors of the Bar Association of San Francisco.
- Created board game "Our Town" and marketed to major New York stores.
- Recipient of the Award of Merit from the Bar Association of San Francisco.
- Member of New York and California State Bars.

REFERENCES

Available upon request.

FEE SCHEDULE

Hourly rate of \$625.00.

No administrative fees.



Hon. Randall J. Newsome (Ret.)

Case Manager

Kathleen Hanley
T: 415-774-2617
F: 415-982-5287
Two Embarcadero Center, Suite 1500, San Francisco, CA
94111
khanley@jamsadr.com

Biography

Available to conduct virtual/remote mediations, arbitrations and other ADR proceedings on a variety of online platforms, including Zoom.

Hon. Randall Newsome (Ret.) successfully served as a mediator in hundreds of cases both as a full time neutral at JAMS as well during his 28 years as a settlement and bankruptcy judge. He has handled both local and national matters involving complex bankruptcy and commercial issues.

Judge Newsome is sought out for his intelligent and pragmatic approach to resolving complex matters involving multiple parties with difficult group dynamics. He has a unique ability to bring about successful resolution while enhancing the parties' continuing relationship.

Most recently, before joining JAMS, Judge Newsome was chief judge of the United States Bankruptcy Court, Northern District of California. He also previously served as a visiting judge in the Central District of California, the Western District of Washington, the District of Nevada, and the District of Arizona. Between 2001 and 2003 he was a visiting judge in the District of Delaware, where he presided over numerous complex matters.

ADR Experience and Qualifications

- Mediated more than 200 disputes acting as a settlement judge
- Handled hundreds of bench trials requiring oral and written decisions
- Assigned the Baldwin-United Corp case--the largest Chapter 11 case in U.S. history--after less than a year as a federal judge
- Mediated notable Chapter 11 case of Pacific Gas & Electric Company. After three months of effort, the

debtor and the California Public Utilities Commission reached a resolution of their disputes, thereby allowing the confirmation of a plan of reorganization

Representative Matters

Business and Contract Disputes

- Appointed by the U.S. Bankruptcy Court as the mediator for the PG&E bankruptcy
- Handled a contract dispute between a French wine producer and a US distributor
- Disputes between an NYSE-listed software company and parties involved in an assignment for the benefit of creditors that allegedly was a fraudulent transfer
- A dispute between a major oil company and a small oil producer involving an offshore oil lease
- A license dispute between an NYSE-listed software company and the principals of a software service provider
- Served as a court-appointed provisional director/receiver under California law in a dispute between family members regarding an agri-business
- Served as a neutral evaluator to a trustee of the largest Ponzi scheme bankruptcy and SIPC proceeding in history
- A dispute between principals of major restaurant chains and their main creditor, resulting not only in resolution of the issues, but the sale of the chains to a Canadian buyer
- Served as a judge in a mock trial involving billions of dollars in potential fraudulent transfer liability arising out of legacy environmental issues
- A contract dispute between a convention center in a major metropolitan area and a telecommunications provider
- A dispute involving allegations of fraudulent transfer arising out of an asset purchase agreement in which the trustee alleged that the defendant paid less than reasonably equivalent value
- Mediated to settlement disputes between the California Public Utilities Commission and the debtor, a utility, which allowed confirmation of a Chapter 11 plan of reorganization. This mediation took place over a three-month period, and dealt with issues beyond bankruptcy law. The mediation not only enabled the debtor to exit bankruptcy, but established a new and much-improved working relationship between the parties
- A dispute between two law firms involving allegations of fraudulent transfers following failed merger discussions
- A dispute between the debtor, a jewelry company, and a hedge fund, which was the jewelry company's largest creditor. Resolution of this dispute, which involved claims of abuse of common control by a holding company largely owned by the hedge fund, enabled the parties to reach a consensual plan of reorganization
- A case involving a trustee's objection for amounts allegedly due as an investment banking fee
- A breach of contract matter between a debtor and investment company where the parties had entered into a settlement agreement regarding the sale of real property in Hawaii and that agreement then became the subject of a partially-completed arbitration
- Numerous fraudulent transfer claims requiring numerous mediation sessions with various groups of former shareholders of a failed San Francisco based law firm
- A breach of contract dispute brought by a dissolved law firm against a former client of the firm for failure to pay a contingency fee of at least \$13 million that may (or may not) have come due. The client counterclaimed for \$50 million alleging that the law firm had breached its fiduciary duties to the client and misled the client as to the firm's financial condition
- A dispute brought by a dissolved law firm against the new law firm of several former shareholder partners, alleging fraudulent transfers against the former shareholders, and recovery under *Jewel v. Boxer* against the new law firm
- A case involving a plaintiff challenging the validity of the defendant's copyright and trade dress claims
- A securities class action involving allegations of stock manipulation, omissions and misrepresentations under Rule 101-5 and Section 20(d) by a publicly held company trading on the OTC Bulletin Board
- A case where the plaintiff/trustee sought recovery of nearly \$13.5 million in transfers to a Georgia bank made by a company involved in the payroll administration business

Employment

- A breach of contract case involving the employment agreements of two officers of a bankrupt company. The issues centered on whether there was a requirement to disgorge compensation as well as the levels of future compensation
- Contract negotiations resulting in a new collective bargaining agreement between the employer and a union
- A dispute involving sexual harassment claims

Sports and Entertainment

- Disputes involving an NYSE-listed video game company and various parties
- A dispute between multiple creditors and a professional hockey player
- A dispute between creditors and the directors and officers of a film animation studio
- A dispute between a production company and German hedge fund over the video game rights for a major movie franchise
- A dispute over the issuance of a bankruptcy discharge to a well-known music personality
- Hundreds of millions of dollars in disputes involving dozens of secured creditors, two creditors' committees and the debtor for an entertainment company. The agreements reached provided the framework for a consensual chapter 11 plan that ultimately was confirmed
- Disputes involving financially troubled golf courses and country clubs
- An ownership dispute over a limited partnership interest in a professional basketball team

Health Care

- A three-day mediation among secured creditors, administrative claimants, state and federal governmental entities, and labor unions regarding a hospital in chapter 11

Insurance

- A long-pending suit brought by a mortgage company against its former principal implicating a directors & officers insurance policy
- A dispute involving insurance fraud and in pari delicto issues between a bank and investment company
- Claims against a principal of a manufacturer implicating D&O policies
- Malpractice claims against the trustee of a mortgage trust resulting in a recovery under D&O policies
- Retained by a group of reinsurers to testify as an expert in a dispute with a primary insurer arising out of an asbestos bankruptcy
- A multi-million dollar dispute implicating fidelity insurance policies arising out of conduct by a bank vice-president
- An insurance coverage dispute between a solar roofing company and its insurer
- A dispute regarding premiums owed by an insured to a workers compensation insurer

Retail

- A dispute in a restaurant bankruptcy between the unsecured creditors committee and the debtor's lender involving lender liability (among other issues)
- A dispute involving over 70 fast food restaurant franchises that were assets in two chapter 11 cases in which a trustee had been appointed. The trustee and the principal lender for the chapter 11 entities were

embroiled in a dispute over how much money the lender should receive as a result of the sale of the restaurants

- Disputes related to a retail liquor store chain involving approximately 75 leases

Decisions from the Bench

- *In Read-Rite Corp.*, 2006 WL 1214839 (N.D. Cal. 2006) (opinion affirming my ruling that Seagate had no rights to a replacement license under a nonexclusive patent cross-licensing agreement with Read-Rite)
- *In re Read-Rite Corp.*, 2006 WL 2241107 (Bankr. N.D. Cal. 2006) (the principal issue involved whether IBM, and its successor Hitachi, obtained the patent licensing rights for their hard disc drive division under a cross-licensing agreement with Read-Rite).
- *In re TEU Holdings, Inc.*, 287 B.R. 26 (Bankr. D. Del. 2002)(motion to dismiss denied as to causes of action against officers and directors for breach of fiduciary duty and corporate waste)
- *In re Armstrong World Industries, Inc.*, 285 B.R. 864, 60 Fed. R. Evid. Serv. 578 (Bankr. D. Del. 2002) (exclusion of evidence regarding the measurement of airborne asbestos under the Daubert standard)
- *In re Tower Air, Inc.*, 268 B.R. 404 (Bankr. D. Del. 2001)(rights of a secured lender to insurance proceeds under Arizona version of UCC 9-104)
- *Matter of Ripley Oil Co., Inc.* 71 B.R. 631 (Bankr.S.D.Ohio,1987)(oil tanks were “equipment” rather than “inventory” under Ohio’s version of 9-109(2) and (4))

Honors, Memberships, and Professional Activities

- Honoree, Lawdragon Global Restructuring Advisors & Consultants Guide, 2020
- Registered Mediator, United States Bankruptcy Court for the Southern District of New York
- President, subsequent to being Vice-President, National Conference of Bankruptcy Judges
- Fellow, American College of Bankruptcy
- Member, American Law Institute
- Lecturer, Federal Judicial Center, since 1986
- Taught principles of bankruptcy jurisdiction to newly-appointed U.S. District Judges since 1994
- Regularly serves on educational programs for the Federal Judicial Center, ALI-ABA, the National Conference of Bankruptcy Judges, Practising Law Institute, American Bankruptcy Institute, Midwest Bankruptcy Institute, American Insolvency and Restructuring Advisors, and others

Background and Education

- Appointed Chief Bankruptcy Judge, United States Bankruptcy Court, Northern District of California, 2004–2010
- Judge, United States Bankruptcy Court, Northern District of California, 1988-2003
- Judge, United States Bankruptcy Court, Southern District of Ohio, 1982-1988
- Lawyer, Dinsmore & Shohl, Cincinnati, OH, 1978-1982
- J.D., University of Cincinnati College of Law, 1975
- B.A., *summa cum laude*, Boston University, 1972

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Hon. Risë Jones Pichon (Ret.)

Case Manager

Lisa Midel
T: 408-346-0733
F: 408-295-5267
160 W. Santa Clara St., Suite 1600, San Jose, CA 95113
lmidel@jamsadr.com

Biography

Hon. Risë Jones Pichon (Ret.) is available to conduct virtual/remote mediations, arbitrations and other ADR proceedings on a variety of online platforms, including Zoom.

Hon. Risë Jones Pichon (Ret.) joined JAMS after a distinguished judicial career spanning more than 35 years. Most recently, Judge Pichon was a superior court judge for the County of Santa Clara for more than 20 years and was elected to serve as presiding judge of the Santa Clara County Superior Court in 2015 and 2016. Prior to this, she served as a municipal court judge from 1984 to 1998 and as a court commissioner from 1983 to 1984. Judge Pichon was elected to serve as the presiding judge of the municipal court from 1990 to 1991. She earned her Bachelor of Science in mathematics and her Juris Doctor from Santa Clara University School of Law. Judge Pichon has also received an Honorary Doctorate Degree from Santa Clara University.

While she was a judge, Judge Pichon oversaw the completion and opening of the Family Justice Center Courthouse in San Jose. She successfully implemented a new case manager system in the criminal/felony division. Judge Pichon presided over Santa Clara County's probate calendars and is known for her experience in the estate/probate area, which makes her uniquely qualified to serve as a mediator and arbitrator for estate/probate/trust matters. Her ability to weigh all parties' concerns—including financial, familial and emotional—in these types of cases will also help her to resolve any type of dispute that comes before her.

Judge Pichon has a well-earned reputation for fairness, credibility and consistency, as evidenced by the many honors and awards she has received during her career, including the Lifetime Achievement Award from the Santa Clara County Trial Lawyers Association in 2019 and the Legendary Champions of Justice Award from the California Association of Black Lawyers in 2018. Judge Pichon is known among colleagues and attorneys for managing difficult situations and cases with grace and dignity, which will enable her to lead parties to resolution effectively as a neutral.

Representative Matters

Business/Commercial

- Handled breach of contract action based on dispute regarding the existence of an employer/employee relationship and failure to pay for services performed pursuant to the alleged agreement
- Handled case involving complaint for reformation of articles of incorporation by shareholder based on dispute regarding the number of shares authorized to issue pursuant to the articles and for determination of status as a de facto director having authority to bind the corporation by his/her acts
- Handled case involving complaint for damages for elder financial abuse, undue influence and negligence based on the establishment of close personal relationship by real estate brokers and using that relationship to persuade client to sign documents created with the intent to defraud him/her and violating duty of care
- Handled breach of contract matter about failure to abide by terms of operating agreement, breach of guaranty secured by promissory note as a result of default on promissory note and conversion of property of the LLC
- Handled matter with action for partition, appointment of receiver and sale of real property for fraudulent concealment and conversion of real and personal property, including ejection and wrongful detention of real property

Estate/Probate/Trust

Judge Pichon has a vast amount of experience handling estate/probate and trust matters. She has handled cases involving the following issues:

- Determination of beneficiaries entitled to distribution
- Intentional interference with inheritance
- Breach of fiduciary duty based on mismanagement of trust or estate assets, obtaining loans under false pretenses, concealment of borrowed funds, recovery of assets and damages and misappropriation of trust assets
- Removal or suspension of personal representative and appointment of successor
- Petitions for reformation to conform instrument to reflect the intent of the decedent
- Validity of trust documents, wills, amendments or restatements thereto where financial elder abuse, undue influence, fraud or lack of sufficient mental capacity at the time of execution of document are alleged
- Cancellation of instruments due to negligent misrepresentation
- Rescission based on fraud in the inducement, constructive fraud and mistake
- Petitions for accounting and challenges to accountings
- Petitions to compel personal representative to distribute assets, to convey real and personal property, for imposition of a constructive trust and to enforce terms of trust
- Breach of implied-in-fact partnership by improperly concealing rental income from properties
- Establishing rights under the partnership agreement and recovery of petitioner's interests in the partnership asset
- Petitions to compel compliance with or enforce trust agreement or settlement agreements
- Partition actions, appointment of receiver, sale of real property, conversion, ejection and wrongful detention of property
- Disputes regarding establishment of conservatorships, appointment of conservator, removal of conservator, termination of conservatorship, approval of accountings, petitions for accountings, surcharge and breach of fiduciary duty

Personal Injury/Torts

- Handled case involving complaint for damages for invasion of privacy, intentional infliction of emotional distress and negligence for republication of images without permission
- Cases involving complaints for damages based on injuries from automobile accidents, with issues including liability and insurance coverage and responsibility

Employment

- Handled cases involving wrongful termination, non-compete clauses, and breach of employment agreements
- Handled wage and hour issues arising under the Fair Labor Standards Act (FLSA)

Family Law

- Handled allocation of parenting time and responsibility for children with special needs and mental health issues
- Handled creation and modification of parenting plan
- Handled name change disputes resulting from dissolution and marriage
- Handled disputes involving property division, real and personal property
- Handled division of personal property collections
- Handled disputes between parents over medical and mental health treatment for children

Landlord/Tenant

- Handled unlawful detainer trials and hearings
- Handled partition and sales of real property
- Heard cases involving ejectment and wrongful detention
- Handled entitlement to homestead matters

Honors, Memberships, and Professional Activities

Memberships and Affiliations

- Member, Board of Regents, Santa Clara University, 2017–present
- Member, Law Advisory Board, Santa Clara University School of Law, 2017–present
- Member, California Judges Association, 1984–present
- Member, Board of Directors, California Judges Association, 2016–2018
- Fellow, American Bar Foundation, 2018–present
- Member, Judicial Division, American Bar Association, 1984–present
- Member, Class XVIII, American Leadership Forum, 2006–present
- Member, Board of Directors, Catholic Relief Services, 2016–present
- Member, St. Thomas More Society, 2007–present
- Member, Advisory Board, Santa Clara University Markkula Center for Applied Ethics, 1994–2003, 2007–present
- Member, Judicial Council Pretrial Detention Reform Workgroup(Appointment by the Chief Justice of the Supreme Court of California, 2016–2018
- Member, Board of Regents, Archbishop Mitty High School, 2000–2006
- Member, Presidential Blue Ribbon Commission on Diversity and Inclusion, Santa Clara University, 2016
- Member, The Honorable William A. Ingram Inn of Court, American Inns of Court, 2013–2017

Selected Awards and Honors

- Recipient of California Judge's Association President's Award, 2020
- Honorary Doctorate Degree, Santa Clara University
- Lifetime Achievement Award, Santa Clara County Trial Lawyers Association, 2019
- Legendary Champions of Justice Award, California Association of Black Lawyers, 2018
- St. Thomas More Award, 2018
- Black Legend Award, Silicon Valley, 2018
- Exemplary Service Award, Charles Houston Bar Association, 2017
- Wester Sweet Award for Legal Activism, San Jose/Silicon Valley NAACP, 2016
- Gideon and Lifetime Achievement Award, Santa Clara County Black Lawyers Association, 2015
- Honoree, Women Lawyers Section, Santa Clara County Bar Association, 2014
- Honoree, Women of Influence, *Silicon Valley Business Journal*, 2012
- Finalist, Woman of Excellence in Advocacy Award, Silicon Valley Chapter, National Coalition of 100 Black Women, 2012
- Outstanding Jurist Award, Santa Clara County Bar Association, 2011
- Social Justice and Human Rights Award, Santa Clara University School of Law, 2011
- Judicial Honoree and Panelist, Western Region of the National Black Law Students Association Convention, 2011
- Certificate of Recognition and Appreciation, Silicon Valley Black Leadership Kitchen Cabinet, 2010
- Certificate of Volunteer Recognition and Appreciation, Junior League of San Jose, 2006
- First Woman Honoree, Bench and Bar Historical Society and Women Lawyers Section, Santa Clara County Bar Association, 2007
- Lawyer of the Year, Santa Clara University School of Law, 1994
- Thurgood Marshall Achievement Award, Black Law Students Association, Santa Clara University School of Law, 1992
- Woman of Distinction Award, Challenges Conference, Santa Clara University, 1991
- Certificate of Achievement, African-American Reunion Committee, Santa Clara University, 1996

Background and Education

- Santa Clara County Superior Court, 1998–2019
 - Judge, 1998–2019
 - Presiding Judge, 2015–2016
 - Supervising Judge, Probate Division, 2017–2018
 - Supervising Judge, Criminal Division, 2012–2013
 - Assistant Supervising Judge, Criminal Division, 2010–2011
- Santa Clara County Municipal Court, 1983–1998
 - Judge, 1984–1998
 - Presiding Judge, 1990–1991
 - Court Commissioner, 1983–1984
- Attorney, Santa Clara County Office of the Public Defender, 1976–1979
- Attorney, Santa Clara County Office of the County Counsel, 1979–1983
- J.D., Santa Clara University School of Law, 1976
- B.S., Mathematics, Santa Clara University, 1973
- Xavier University, New Orleans, 1969–1971

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